

## **Magistrate Judge Cheryl L. Pollak**

Chambers Room 1230  
Courtroom 13B - South  
Telephone (718) 613-2360  
Fax (718) 613-2365

To avoid confusion and facilitate the work of the Clerk's Office, all papers should bear the docket number for the case followed by the initials of the District Judge, followed by Judge Pollak's initials (CLP).

### **ELECTRONIC CASE FILING**

Pursuant to the Local Rules of the Eastern District, all submissions must be made via the Electronic Case Filing system with an additional hard copy sent directly to chambers via facsimile (under 10 pages).

**ALTHOUGH ALL DOCUMENTS MUST BE FILED ELECTRONICALLY, COURTESY COPIES ARE STILL REQUIRED OF ALL DOCUMENTS**

**REQUESTS NOT FILED ELECTRONICALLY WILL NOT BE CONSIDERED BY THE COURT.**

### **CALENDAR MATTERS, STATUS, ADJOURNMENTS:**

All requests for adjournments or extensions must be made by facsimile AND filed electronically 48 hours prior to the scheduled matter. Counsel shall confer with the other parties and, whenever possible, obtain consent before contacting chambers with requests for extensions, adjournments and the scheduling of conferences. The Court will transmit any ruling via electronic mail.

All telephone calls concerning calendar matters or case status in criminal or civil matters before Judge Pollak should be made to chambers at (718) 613-2360. Inquiries regarding appearances for arraignments, bond hearings, or other matters before the duty magistrate should be made to the magistrate clerical department at (718) 613-2620. Do not call regarding the status of any case or submission without first referring to the docket sheet.

For questions regarding procedure, please refer to the Federal Rules of Criminal or Civil Procedure and the Local Rules of the Eastern District.

### FAXED TRANSMISSIONS:

Facsimile transmissions exceeding ten (10) pages will not be accepted without prior permission from Chambers. If counsel is making a request by facsimile, DO NOT send a hard copy in the mail.

### CONFERENCES:

Pursuant to Fed. R. Civ. P. 26(f), counsel shall, as soon as possible and in any event at least 14 days before an initial conference is held, meet to discuss the nature and basis of their claims and defenses, the possibilities for a prompt settlement, and a proposed discovery plan.

Counsel shall appear promptly for all pre-trial conferences, prepared and authorized to discuss progress in the case, scheduling of further proceedings, and possible settlement. Civil conferences may be adjourned with the consent of all parties, provided that the Court is notified in writing by facsimile and by electronic filing, **at least 48 hours** prior to the scheduled conference.

### DEPOSITION PROBLEMS:

Parties encountering deposition problems should first make every effort to resolve the dispute. In the event a satisfactory resolution cannot be reached, the parties are directed to contact the Court immediately by telephone. The Court will either resolve the matter or instruct the parties to move on to other issues in the deposition until such time as the Court can address the dispute. Under no circumstances should the parties discontinue the deposition without first attempting to contact the Court.

### MOTION RULES AT A GLANCE:

Oral Argument:	Yes, with exceptions.
Courtesy Copies to Chambers:	Yes, by fax. Hard copies only if voluminous.

### MOTION PROCEDURES AND RULES:

1. Parties experiencing problems with discovery must, prior to filing any formal motions, submit to both the court and any opposing party a letter, detailing the issues and the need, if any, for a formal motion. Parties must respond, also by letter, within five days of receipt of the movant's letter. Any reply must be submitted within three days of a response. No sur-replies will be accepted without prior permission. The Court may call a pre-motion conference

or direct the filing of a formal motion thereafter if necessary.

2. Return dates and briefing schedules will be set by the Court. If an extension of time is necessary, the parties may agree to a revised schedule and inform the Court by letter. If the parties cannot agree on a revised schedule, either party may contact the Court in writing and a revised schedule will be set.

3. The Notice of Motion shall not contain a return date, but rather shall state that the return date will be set by the Court. All moving papers will be served on all parties.

5. The “original” of all motion papers shall be filed via the Electronic Case Filing System. In addition, a courtesy copy, marked as such, shall be submitted directly to chambers at the time of filing.

6. Supplemental briefs will not be accepted unless requested by the Court.

7. The moving party may, via facsimile and by electronic filing, request a date for oral argument, provided such a date has not already been scheduled. Once scheduled, oral argument may be adjourned with the consent of all parties, provided that the Court is notified in writing by facsimile and by electronic filing, no later than 48 hours prior to the scheduled argument.

8. Strict compliance with these rules, the Federal Rules of Civil Procedure and the local Rules of the Eastern District of New York is required. Papers not in compliance with any relevant rule will not be considered in the absence of extraordinary circumstances.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Plaintiffs,

- against -

,

Defendants.

-----X

POLLAK, M.J.:

PRE-TRIAL ORDER

\_\_ CV \_\_ (\_\_)

On or before \_\_\_\_\_, the parties shall file a proposed pretrial order which shall control the subsequent course of this action unless modified by consent of the parties and the Court, or by order of the Court to prevent manifest injustice. The pretrial order shall include:

- (1) The full caption of the action;
- (2) The names, addresses (including firm names), telephone and fax numbers of trial counsel;
- (3) A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by every other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
- (4) A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried;
- (5) A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed;

(6) Any stipulations or agreed statements of fact or law which have been agreed to by all parties;

(7) A list by each party as to the fact and expert witnesses whose testimony is to be offered in its case in chief, indicating whether such witnesses will testify in person or by deposition. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown;

(8) A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party;

(9) A statement of stipulated facts, if any;

(10) A schedule listing exhibits to be offered in evidence and, if not admitted by stipulation, the party or parties that will be offering them. The schedule will also include possible impeachment documents and/or exhibits, as well as exhibits that will be offered only on rebuttal. The parties will list and briefly describe the basis for any objections that they have to the admissibility of any exhibits to be offered by any other party. Parties are expected to resolve before trial all issues of authenticity, chain of custody and related grounds. Meritless objections based on these grounds may result in the imposition of sanctions. Only exhibits listed will be received in evidence except for good cause shown; and

(11) All exhibits must be premarked for the trial and exchanged with the other parties at least ten days before trial. Where exhibits are voluminous, they should be placed in binders with tabs.

**Filings Prior to Trial in Civil Cases.** Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial, if such a date has been fixed, or 30 days after the filing of the final pretrial order, if no trial date has been fixed:

1) On the Thursday before trial in jury cases, requests to charge and proposed voir dire questions. Requests to charge should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by the court. When feasible, proposed jury charges should also be submitted on a 3.5 diskette in IBM Word Perfect format;

2) By claim, a detailed statement regarding damages and other relief sought;

3) In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;

4) In all cases, motions addressing any evidentiary or other issues which should be resolved in limine; and

5) In any case where such party believes it would be useful, a pretrial memorandum.

6) Hearsay evidence. The parties shall identify any material to be relied upon pursuant to Rule 803(18) of the Federal Rules of Evidence. Notice pursuant to Rules 803(23) and 804(b)(5) of the Federal Rules of Evidence shall be given at the same time.

7) July-related submissions.

If the case is to be tried by a jury, the parties shall submit:

(a) Proposed voir dire questions:

(b) Proposed requests to charge the jury, with citations of authorities; and

(c) Proposed verdict forms, special verdict forms, and proposed special interrogatories to the jury, if applicable.

(8) Bench trial proposed findings. If the case is to be tried without a jury, each party shall submit:

(a) Copies of proposed exhibits; and

(b) Proposed findings of facts and conclusions of law, not to exceed fifteen

pages, absent prior approval of the Court.

It is certified that the attorneys in this case shall be required to appear in this court for trial on \_\_\_\_\_ at \_\_\_\_\_ a.m.

Dated: Brooklyn, New York  
 , 2006

Cheryl L. Pollak  
United States Magistrate Judge